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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JASON LEE SUTTON,

9 Plaintiff,

v.

10 BERNARD WARNER, et al.,

11 Defendants.

CASE NO. C18-5236 BHS-JRC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 33, and  
15 Plaintiff Jason Lee Sutton’s (“Sutton”) objections to the R&R, Dkt. 39.

16 On July 27, 2018, Judge Creatura issued the R&R recommending that the Court  
17 deny Sutton’s motion for preliminary injunction because he has failed to show that he is  
18 in danger of imminent, irreparable harm. Dkt. 33. On August 11, 2018, Sutton filed  
19 objections. Dkt 39. Sutton asserts that all of his property has been shipped to his new  
20 institution, but requests an order enjoining Defendants from requiring inmates to pay for  
21 the shipping fees incurred in shipping personal property between institutions. *Id.* at 2, 10.  
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1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Sutton fails to identify any error in the R&R. Although Sutton  
6 contests the fees incurred by inmates in shipping personal property between institutions,  
7 he fails to show that he is in danger of imminent, irreparable harm. Such a showing is  
8 required to obtain preliminary injunctive relief. *Winter v. Nat. Res. Def. Council, Inc.*,  
9 555 U.S. 7, 20 (2008). By failing to establish this element, Sutton fails to show that he is  
10 entitled to relief. Therefore, the Court having considered the R&R, Sutton's objections,  
11 and the remaining record, does hereby find and order as follows:

12 (1) The R&R is **ADOPTED**; and

13 (2) Sutton's motion for preliminary injunction, Dkt. 23, is **DENIED**.

14 Dated this 4th day of October, 2018.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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